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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>G. David Jang</b>
<b>Application No.:</b>	<b>09/934310</b>
<b>Filed:</b>	<b>August 21, 2001</b>
<b>For:</b>	<b>Intravascular Stent</b>
<b>Group Art Unit:</b>	<b>3738</b>

United States Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**Docket No.: S63.2-8429-US04**

**TRANSMITTAL LETTER**

1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached:  
**4 page Third Supplemental Information Disclosure Statement, 2 page List of References Cited, \$180.00 Check, copy of 27 references and Postcard.**
2. With respect to fees:
  - ☐ No additional fee is required.
  - ☒ Attached is check(s) in the amount of \$180.00
  - ☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the

Commissioner, please charge the additional fees to Deposit Account No. 22-0350.  
Please charge any additional fees or credit overpayment associated with this  
communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: October 20, 2005

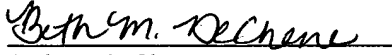
By: 

James M. Urzedowski  
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

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**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being couriered via UPS Ground Shipment to United States Patent and Trademark Office, Customer Service Window, Mail Stop Amendment, Randolph Building, 401 Dulany Street, Alexandria, VA 22314 on October 20, 2005.

  
Beth M. DeChene



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<b>Examiner:</b>	<b>Paul Prebilic</b>
<b>Group Art Unit:</b>	<b>3738</b>

United States Patent and Trademark Office  
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401 Dulany Street  
Alexandria, VA 22314

**Docket No.: S63.2N-8429-US04**

### THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed foreign patent and each listed publication other than U.S. patents and U.S. patent application publications is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, **except that** U.S. patents and U.S. published applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of unpublished U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applicant submits herewith notice to the USPTO that the present Application, and/or related Applications and patents, is currently the subject of, or relevant to litigation. More specifically, a litigation is underway in the United States District Court for the Central District of California (Eastern Division-Riverside) involving G. David Jang verses Boston Scientific Corporation and Scimed Life Systems, Inc. (Civil Action Number: 05-00426). A litigation is also underway in the United States District Court for the District of Delaware between Boston Scientific Scimed Inc., and Boston Scientific Corporation verses Cordis Corporation and Johnson and Johnson Inc. (Civil Action Number: 03-283-SLR). Applicant submits herewith copies of the litigation documents.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

       **I.** This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

  **X**   **II.** This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the

mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- ☐ (1) a certification as specified in §1.97(e) is provided below; or  
☒ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- ☐ (1) a certification as specified in §1.97(e) is completed below; and  
☐ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

☒ **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

***If paragraph II.1 or III is checked, also check one of the paragraphs below***

☐ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

☐ This communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

If this Third Supplemental Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Third Supplemental Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Third Supplemental Information Disclosure Statement, Applicant requests that this be treated as such a petition.

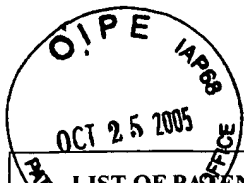
Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

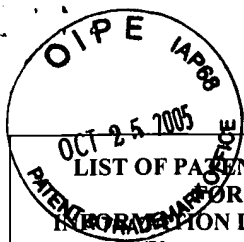
Date: October 20, 2005

By: \_\_\_\_\_  
James M. Urzedowski  
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001  
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<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)		<b>ATTY DOCKET NO.:</b> S63.2-8429-US04		<b>APPLICATION NO.:</b> 09/934,310	
		<b>APPLICANT:</b> G. David Jang			
		<b>FILING DATE:</b> August 21, 2001		<b>GROUP:</b> 3738	
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)</b>					
	CA		Continued videotaped deposition of JAMES E. MOORE, JR., PH.D., held at the offices of Kirkland & Ellis, LLP, 153 East 53 <sup>rd</sup> Street, New York, New York, pursuant to adjournment, before Cary N. Bigelow, RPR, a Notary Public of the State of New York, dated March 18, 2005, 8:33 a.m. (Case No. 03-027-SLR).		
	CB		Videotaped deposition of JAMES E. MOORE, JR., PH.D., held at the offices of Kirkland & Ellis, LLP, 153 East 53 <sup>rd</sup> Street, New York, New York, pursuant to notice, before Cary N. Bigelow, RPR, a Notary Public of the State of New York, dated March 17, 2005, 9:32 a.m. (Case No. 03-027-SLR).		
	CC		Corrected Rebuttal Expert Report of Professor James E. Moore Jr., PH.D., dated March 14, 2005 (Case No. 03-027-SLR).		
	CD		Corrected Expert Report of Professor James E. Moore Jr., PH.D., dated February 11, 2005 (Case No. 03-027-SLR).		
	CE		Opening Expert Report of Nigel Buller, B.SC, M.B., F.R.C.P. regarding Validity of the Jang Patent (Case No. 03-027-SLR).		
	CF		Deposition of NIGEL BULLER, held at the offices of Patterson, Belknap, Webb & Tyler, 1133 Avenue of the Americas, New York, New York, before Laurie A. Collins, a Registered Professional Reporter and Notary Public of the State of New York, dated March 2, 2005, 9:32 a.m. (Case No. 03-027-SLR).		
	CG		Continued deposition of NIGEL BULLER, held at the offices of Patterson, Belknap, Webb & Tyler, 1133 Avenue of the Americas, New York, New York, before Laurie A. Collins, a Registered Professional Reporter and Notary Public of the State of New York, dated March 3, 2005, 8:45 a.m. (Case No. 03-027-SLR).		
	CH		Rebuttal Expert Report of Nigel Buller, B.SC., M.B., F.R.C.P., dated February 25, 2005 (Case No. 03-027-SLR).		
	CI		Videotaped Deposition of the DAVID MORRE PARKS, Ph.D., a witness called on behalf of the Defendants, pursuant to the Federal Rules of Civil Procedure, before Judith McGovern Williams, Certified Shorthand Reporter No. 130993, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the Commonwealth of Massachusetts, at the Hyatt Regency, 575 Memorial Drive, Cambridge, Massachusetts, on Monday, March 21, 2005, commencing at 9:32 a.m. (Case No. 03-027-SLR).		
	CJ		Opening Expert Report of David M. Parks, PH.D. Regarding Validity of the Jang Patent, dated January 28, 2005 (Case No. 03-027-SLR).		
	CK		Rebuttal Expert Report of David M. Parks, PH.D., dated February 25, 2005 (Case No. 03-027-SLR).		
	CL		BSC's Opposition to Cordis' Motion for Summary Judgment of Noninfringement of Claim 36 of the Jang '021 Patent, dated April 14, 2005 (Case No. 03-027-SLR).		
	CM		REDACTED VERSION – PUBLICLY FILED BSC's Opposition to Cordis' Motion for Summary Judgment of Noninfringement of Claim 36 of the Jang '021 Patent, dated April 14, 2005 (Case No. 03-027-SLR).		
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					



<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)		<b>ATTY DOCKET NO.:</b> S63.2-8429-US04		<b>APPLICATION NO.:</b> 09/934,310	
		<b>APPLICANT:</b> G. David Jang			
		<b>FILING DATE:</b> August 21, 2001		<b>GROUP:</b> 3738	
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)</b>					
	CA		REDACTED PUBLIC VERSION: Opening Brief in Support of Cordis' Motion for Summary Judgement of Noninfringement of Claim 36 of the Jang '021 Patent, dated March 31, 2005 (Case No. 03-027-SLR).		
	CB		Opening Brief in Support of Cordis' Motion for Summary Judgment of Noninfringement of Claim 36 of the Jang '021 Patent, dated March 24, 2005 (Case No. 03-027-SLR).		
	CC		Reply Brief in Support of Cordis' Motion for Summary Judgment of Noninfringement of the Jang '021 Patent, dated April 21, 2005 (Case No. 03-027-SLR).		
	CD		Order, dated June 3, 2005 (Case No. 03-027-SLR).		
	CE		Jury Verdict, dated July 1, 2005 (Case No. 03-027-SLR and Case No. 03-283-SLR).		
	CF		Jury Trial – Volume H, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated Friday, July 1, 2005, pages 1816- 1857 and Index pages 1-7.		
	CG		Jury Trial – Volume A, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated Tuesday, June 21, 2005, pages 1-107 and Index pages 1-12.		
	CH		Jury Trial – Volume B, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated Wednesday, June 22, 2005, pages 108-407 and Index pages 1-32.		
	CI		Jury Trial – Volume C, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated Thursday, June 23, 2005, pages 408-691 and Index pages 1-29.		
	CJ		Jury Trial – Volume D, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated Friday, June 24, 2005, pages 693-930 and Index pages 1-23.		
	CK		Jury Trial – Volume E, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated June 28, 2005, pages 931-1223.		
	CL		Under Seal– Volume EE, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated Tuesday June 28, 2005, pages 1-61and Index pages 1-8.		
	CM		Jury Trial – Volume F, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated Wednesday, June 29, 2005, pages 1224-1537 and Index pages 1-32.		
	CN		Jury Trial – Volume G, BSC v. Cordis & J&J, CA #03-27 & 03-283 (SLR), dated Thursday, June 30, 2005, pages 1538-1815 and Index pages 1-30.		
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					